

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CRYSTAL J. BROOKS,

Petitioner,

v.

TONYA S. CUNNINGHAM, et al.,

Respondent.

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**Case No. 3:07-0935
Judge Echols**

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) (Docket Entry No. 13) from the Magistrate Judge which recommends granting Defendants’ Motion to Dismiss for lack of jurisdiction (Docket Entry No. 7) and dismissing this employment discrimination action without prejudice. The Magistrate Judge also recommends that any appeal not be certified as taken in good faith under 28 U.S.C. § 1915(a)(3). Plaintiff has filed no objections, even though she was specifically informed in the R & R that any objections needed to be filed within ten days of receipt of the R & R (Docket Entry No. 13 at 5).

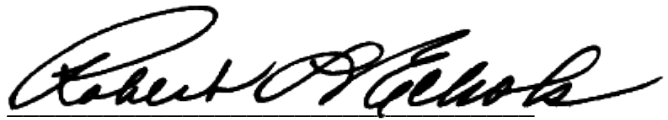
Where, as here, no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that the Magistrate Judge correctly concluded that dismissal without prejudice is warranted because Plaintiff has failed to show that she has exhausted her administrative remedies with the Equal Employment Opportunity Commission.

Accordingly, the Court rules as follows:

- (1) The R & R (Docket Entry No. 13) is hereby ACCEPTED and APPROVED;
- (2) Defendants' Motion to Dismiss (Docket Entry No. 7) is hereby GRANTED;
- (3) This case is hereby DISMISSED WITHOUT PREJUDICE; and
- (4) In accordance with 28 U.S.C. § 1915(a)(3), the Court finds that any appeal from this ruling would not be taken in good faith.

Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE